

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHALMERS A. SIMPSON	:	CIVIL ACTION
	:	
Petitioner,	:	NO. 12-3947
	:	
v.	:	
	:	
PENNSYLVANIA BOARD OF	:	
PROBATION AND PAROLE, et al.	:	
	:	
Respondents.	:	

**ORDER**

AND NOW, this 21<sup>st</sup> day of February, 2013, upon careful and independent consideration of the Petition for Writ of Habeas Corpus and the Response thereto, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated January 31, 2013, to which Petitioner has not filed any Objections, IT IS HEREBY ORDERED that:

1. the Report and Recommendation is APPROVED and ADOPTED<sup>1</sup>;
2. the Petition for Writ of Habeas Corpus is DISMISSED WITH PREJUDICE and without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ C. Darnell Jones, II  
C. Darnell Jones, J.

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<sup>1</sup>This Court finds that Magistrate Judge Hey's Recommendation that the Petition should be dismissed on the alternative grounds that (1) Petitioner did not comply with this Court's prior Order directing him to complete the *in forma pauperis* application, and (2) his claims that the Pennsylvania Board of Probation and Parole violated his due process rights when it failed to re-parole him are meritless, are fully supported by the law and the record presented.